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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/041,538	03/11/1998	DENIS MENARD	1948-4293US1	3407

7590 11/05/2002

MORGAN & FINNEGAN
 345 PARK AVENUE
 NEW YORK, NY 10154

EXAMINER	
SINGH, ARTI R	
ART UNIT	PAPER NUMBER
1771	33

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.
 Mailed to: MORGAN & FINNEGAN LLP, 345 Park Avenue, New York, NY 10154

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 MORGAN & FINNEGAN LLP
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(Resp. Due)

CASE 01948-4293US1 ATTY DLB
 DUE DATE February 5, 2003
 STATUTORY DATE May 5, 2003
 BY J. m o

Office Action Summary

Application No.

09/041,538

Examiner

Ms. Arti R. Singh

MENARD ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
 3 per Examiner's behalf 11/12/02.
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(b). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(d).

Status

1) Responsive to communication(s) filed on _____
 2a) This action is FINAL.
 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7, 9-18, 20, 22-25, 27 and 28-39 is/are pending in the application.
 4a) Of the above claim(s) 12-18, 20, 22-24, 27 and 29-32 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-7, 9-11, 25, 28 and 33-39 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some c) None of:

1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

4) Interview Summary (PTO-413) Paper No(s) _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

Office Action Summary

Part of Paper 1

Application/Control Number: 09/041,538

Art Unit: 1771

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/01/2002 has been entered. The Examiner has carefully considered Applicant's amendments and accompanying remarks filed on 08/1/2002. Amendments to claims 1, 4, 5, 6, 7, 11, 25, 33 and 37 have all been entered. All previously made rejections are now withdrawn, and thus the arguments are also moot.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7, 9-11, 25, 28 and 33-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In independent claims 1 and 33 Applicant claims a third substance, that is a filler, wherein it is found to be "present" in approximately 0% to 40% by weight. This implies that there is some percentage of the filler present in the composite, however the limit of "zero" implies that nothing can be present. Please claim one or the other. All dependant claims are also rejected as they are dependant from rejected base claims.

Information Disclosure Statement

4. The information disclosure statement filed 03/11/98 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which

Application/Control Number: 09/041,538

Page 3

Art Unit: 1771

caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. All of the US references were received and reviewed, however, the PTO received none of the foreign documents. Please remit and they will be reviewed with the next office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti R. Singh whose telephone number is 703-305-0291. The examiner can normally be reached on M-F 7:00am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-873-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



MS. ARTI R. SINGH
PATENT EXAMINER
ART UNIT 1771

Ars
November 4, 2002

Sheet 2 of 3

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO 1948-4293 US1	SERIAL NO 09/041538
INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>		APPLICANT(S) Mcnard et al.	
		FILING DATE 3/11/98	GROUP ART UNIT 1771

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING I IF APPRO
ARS	3,936,552	2/76	Krupp et al.	428	64	—
ARS	4,895,882	1/90	Asano et al.	523	145	—
ARS	4,785,029	11/88	Honma et al.	523	153	—
ARS	3,971,669	7/76	Wrzesien et al.	156	148	—
ARS	4,374,211	2/83	Gallagher et al.	523	156	—
ARS	4,775,703	10/88	Parker et al.	523	153	—
ARS	4,369,263	1/83	Marsushima et al.	523	152	—

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSL YES

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)

		JP910071291/92-410457 Derwent abstract, 29 October 1992

EXAMINER	<i>ARS</i>	DATE CONSIDERED 10/31/02
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Sheet 1 of

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO 1948-4293 US1	SERIAL NO. IBA 09/041,535
INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>		APPLICANT(S) <i>Menard et al.</i>		
		FILING DATE <i>3/11/94</i>	GROUP ART UNIT <i>1771</i>	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING IF APPRO
ARS	2,733,797	2/7/56	Almen et al.	—	—	—
ARS	5,273,819	12/93	Jex	428	297	—
ARS	4,836,507	6/89	Yang	264	143	—
ARS	4,743,643	5/88	Royer	523	150	—
ARS	4,130,537	12/78	Bohner	260	38	—
ARS	4,790,052	12/88	Odry	28	110	—
ARS	4,861,809	8/89	Ogawa et al.	523	149	—
ARS	5,304,225	4/94	Gardzella et al.	51	298	—

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSL YES
	742,043	12/24/95	Great Britain	—	—	—
	601,903	5/13/48	Great Britain	—	—	—
	0 431 320 A2	4/16/91	European Patent Office (English)	—	—	—
	3,231,310 A 1	2/23/94	Germany	—	—	—
	2,935,205 A 1	4/9/81	Germany	—	—	—
	0 233 642	10/2/85	European Patent Office (French)	—	—	—
	0 530 741 A1	3/10/95	European Patent Office (French)	—	—	—

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)

JP910071291/92-410457-Derwent abstract, 29 October 1992

EXAMINER	DATE CONSIDERED
<i>[Signature]</i>	10/31/02

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

M&F REV.